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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA, Plaintiff, v. **Eleazar VASQUEZ-Cabrera,** Defendant	Magistrate Docket No. '07 MJ 2791 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **December 1, 2007** within the Southern District of California, defendant, **Eleazar VASQUEZ-Cabrera,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **3rd** DAY OF **DECEMBER 2007,** at 9:20 a.m.

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Eleazar VASQUEZ-Cabrera

PROBABLE CAUSE STATEMENT

On December 1, 2007, at approximately 5:05 P.M., Border Patrol Agent Furet, who was operating an infrared scope located at the Imperial Beach Border Patrol Station, broadcast via agency radio of his observation of four individuals heading north on the 10 Mesa. This area is approximately two miles west of the San Ysidro, California, Port of Entry and approximately 100 yards north of the United States/Mexico international boundary.

At approximately 5:10 P.M., Border Patrol Agents Vargas and Serna responded to the area and conducted a brief search of the area where Agent Furet last saw the subjects. Agents Vargas and Serna located four individuals attempting to conceal themselves in brush. Agents Vargas and Serna identified themselves as United States Border Patrol Agents and questioned the subjects as to their citizenship. All individuals, including one later identified as the defendant Eleazar VASQUEZ-Cabrera, freely admitted to being citizens and national of Mexico not in possession of any immigration documents to enter or remain in the United States legally. Agents Vargas and Serna arrested the subjects and arranged for transport to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 20, 2007,** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant admitted that he understood his rights and agreed to be interviewed without an attorney present. The defendant admitted to being a citizen of Mexico illegally present in the United States.